

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SIERRA VISTA

THIS AGREEMENT is entered into 18 APR 11, 2001
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF SIERRA VISTA, acting by and
through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the design, construction and maintenance of new traffic signal emergency vehicle preemption equipment at intersections of State routes and City streets in the City, as identified on Exhibit A, which is attached hereto and made a part hereof, at a currently estimated cost of \$25,000.00; the cost of obtaining and installing the equipment will be all at City expense, hereinafter referred to as the Project, for the safety and benefit of the traveling public.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

=====

NO 24560

Filed with the Secretary of State

Date Filed: 04/18/01

Britney Bayless

Secretary of State

By Vicky V. Graenewald

II. SCOPE

1. The City will:

a. Provide and install the emergency vehicle preemption equipment at City desired signal locations, all at City expense.

b. Provide the State maintenance personnel equipment manufacturer certified training in all applicable aspects of the installation, operation and maintenance of the preemption systems. Provide the State all required systems testing equipment, sufficient bench stock parts, and one signal emitter for testing the systems, all at no cost to the State.

c. Maintain a reasonable inventory of replacement parts necessary for repair of all of the equipment.

d. Upon completion, approve and accept the systems installation on behalf of the parties hereto.

2. The State will:

a. Inspect and approve the installation of the signal preemption equipment.

b. Upon completion and acceptance of the signal preemption installations by the City, and upon the satisfactory training of State maintenance personnel, and the State's receipt of bench stock parts and the signal test emitter, provide maintenance to the preemption systems.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until canceled by either party or other competent authority, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Sierra Vista
Public Works Director
1011 N. Coronado Drive
Sierra Vista, AZ 85635

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SIERRA VISTA

STATE OF ARIZONA

Department of Transportation

By

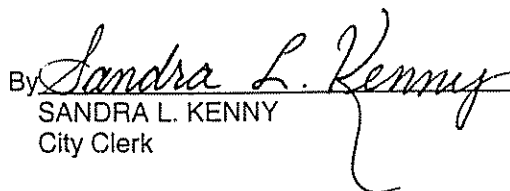

TOM HESSLER
Mayor

By


MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

By


SANDRA L. KENNY
City Clerk

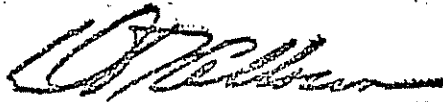
INTERSECTIONS IDENTIFIED FOR PREEMPTION EQUIPMENT
(As of 1 February 2001)

1. SR-90 at SR-92
2. SR-92 at:
 - a. Avenida Cochise
 - b. Foothills Drive

RESOLUTION

BE IT RESOLVED on this 22nd day of December 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities for the design, construction and maintenance of emergency vehicle traffic signal preemption equipment on State highways in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

A handwritten signature in dark ink, appearing to read 'David R. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION 4540

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO DESIGN, CONSTRUCT, AND MAINTAIN TRAFFIC SIGNAL EMERGENCY VEHICLE PREEMPTION EQUIPMENT AT INTERSECTIONS OF STATE ROUTES AND CITY STREETS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council to authorize the City staff to seek, make application for, and accept any Federal and State funding assistance for improvements to our community that are beyond the funding capacity of City revenues, when it is determined by the City Council to be in the best interests of the City; and

WHEREAS, the City and State share responsibilities of providing streets and public roadways which are safe and meet the transportation needs of the general public; and

WHEREAS, the intersections of state routes and city streets support a high volume of vehicle traffic which creates a dangerous situation for emergency vehicles; and

WHEREAS, it is in the mutual interest and benefit for ADOT and the City to provide traffic signal emergency vehicle preemption capabilities at the intersections of state routes and city streets; and

WHEREAS, both parties desire to enter into an Intergovernmental Agreement that will allow the City to construct said traffic signal preemption capabilities to the intersections of state routes and city streets.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council of seeking Federal and State funding assistance, be, and hereby is, reaffirmed.

SECTION 2

That the City Council approves entering into an Intergovernmental Agreement with ADOT to construct traffic signal preemption capabilities to the intersections of state routes and city streets.

SECTION 3

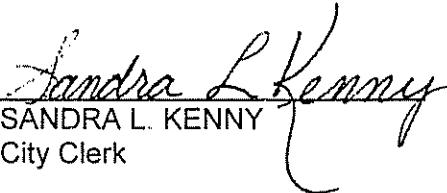
That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 8TH DAY OF MARCH, 2001.



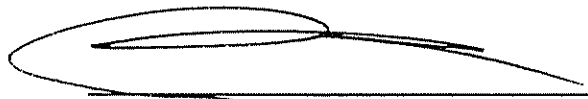
THOMAS J. HESSLER
Mayor

ATTEST:



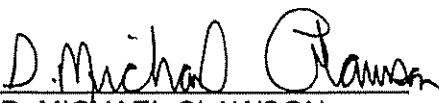
SANDRA L. KENNY
City Clerk

APPROVED AS TO FORM:



STUART L. FAUVER
City Attorney

PREPARED BY:

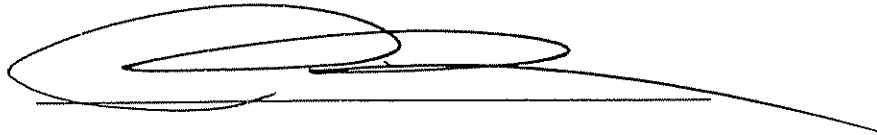


D. MICHAEL CLAWSON
Purchasing Manager

APPROVAL OF THE SIERRA VISTA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this _____ day of _____, 2001.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8855

Fax: (602) 542-3646

MAIN PHONE : (602) 542-5025

FACSIMILE : (602) 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR01-0168TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED April 12, 2001.

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

678317